

February 26, 2004

CERTIFIED MAIL

Mike Buckmiller  
Gold Digger Apples  
PO Box 2550  
Oroville, WA 98844

Dear Mr. Buckmiller:

**RE: Notice of Temporary State Waste Discharge Permit No. ST-9238  
for Gold Digger Cellars, Effective February 23, 2004**

Your application for State Waste Discharge Permit No. ST-9238 for Gold Digger Cellars, was received by this office on December 11, 2003. It was reviewed and accepted as complete on December 29, 2003.

A Public Notice of Application was published on January 15, and January 22, 2004, in the Gazette Tribune and the public comment period ended February 22, 2004, with one comment letter received from the City of Oroville. The City of Oroville is concerned over the high BOD overload to the wastewater treatment plant due to heavy concentrations of juices dumped all at once.

Given our limited resources, we are unable to process your application at this time. **RCW 90.48.200 states, "In the event of failure of the Department to act upon an application within sixty days after it has been filed, the applicant shall be deemed to have a temporary permit. Said permit shall authorize the applicant to discharge waste into waters of the State as requested in its application only until such time as the Department shall have taken action upon said application."**

Therefore, as RCW 90.48.200 and WAC 173-216-090 provide, your new Temporary Permit became effective February 23, 2004, the day following completion of the public notice comment period. It will remain in force for up to five years or until further notice by the Department, whichever occurs first. The Department will undertake writing a full permit as time allows. At that time we will contact you to discuss any changes in operation and to do a site visit.

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**Your temporary permit consists of the permit application and all appendices submitted with it and the following condition:**

**Slug loads of high BOD wastewaters, such as juice, shall not be discharged to the City system. Gold Digger shall contact the City Treatment Plant Staff prior to any discharge of high strength waste, or any other discharge which might cause problems to the POTW to establish a procedure to ensure the treatment plant will be protected.**

Compliance with the application and the appendices will constitute compliance with the temporary permit.

This authorization does not allow you to discharge pollutants not specified in your application and attachments or in quantities exceeding those specified in your application or appendices, or in quantities exceeding those specified. You are also required to comply with all water pollution laws and regulations. A new application is required in five years.

Under the Model Toxics Control Act, codified as RCW 90.48.465, Ecology is required to recover the cost of the Water Quality Permit Program. Ecology has adopted a regulation (Chapter 173-224 WAC) establishing annual permit fees for all municipal/domestic and industrial wastewater discharge permit holders. Your Temporary Permit is subject to this fee.

Your permit fee is subject to the fee schedule in Chapter 173-224 WAC. Permit fee billing will be in a separate mailing from the Ecology Fee Unit.

If you have any questions or need assistance, please feel free to contact Dave Holland, your permit manager at 509/575-2434.

Sincerely,

G. Thomas Tebb, L.E.G.  
Section Manager  
Water Quality Program

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c: Rod Noel, City of Oroville  
Bev Poston, Ecology-Olympia  
Joe Ortiz, Ecology-Yakima  
Dave Holland, Ecology-Yakima